

FEDERAL ELECTION COMMISSION
999 E. Street, N.W.
Washington, D.C. 20463

FIRST GENERAL COUNSEL'S REPORT

MUR: 6112

DATE COMPLAINT FILED: 10/27/08

DATE OF NOTIFICATION: 11/3/08

LAST RESPONSE RECEIVED: 12/22/08

DATE ACTIVATED: 1/26/09

EXPIRATION OF SOL: 2/28/12 – 8/31/13

COMPLAINANT:

The Democratic National Committee

RESPONDENT:

**John McCain 2008, Inc., and
Joseph Schmuckler, in his official capacity
as treasurer**

**RELEVANT STATUTES
AND REGULATIONS:**

**2 U.S.C. § 432(c)
2 U.S.C. § 434(b)
2 U.S.C. § 437g
2 U.S.C. § 441a(a)(1)
2 U.S.C. § 441a(f)
11 C.F.R. § 102.9(a)
11 C.F.R. § 104.3(a)
11 C.F.R. § 104.7(b)
11 C.F.R. § 110.1(b)(3)(i)
11 C.F.R. § 110.4(c)(3)
11 C.F.R. § 9003.3(a)(1)**

INTERNAL REPORTS CHECKED:

Federal Disclosure Reports

FEDERAL AGENCIES CHECKED:

None

I. INTRODUCTION

**The Democratic National Committee ("the complainant") alleges that John
McCain 2008, Inc. and Joseph Schmuckler, in his official capacity as treasurer,
("Committee") violated the Federal Election Campaign Act of 1971, as amended, ("the**

13044341531

CELA

2010 JUN 24 PM 1:10

**RECEIVED
FEDERAL ELECTION
COMMISSION**

1 Act") by accepting millions of dollars in excessive contributions, failing to disclose a
2 \$56,047 individual contribution from Brian Medeska, and failing to properly account for
3 the receipt of anonymous contributions and maintain identifying information for other
4 contributors. 2 U.S.C. §§ 432(c), 434(b) and 441a(f). The Committee denies violating
5 the Act and urges the Commission to find that no violations occurred and dismiss the
6 matter. According to the Committee, the complainant's allegations are groundless
7 because they are based on information accessed from the campaign's searchable online
8 database that temporarily contained inadvertent error and did not show the results of its
9 ongoing process of refunding, redesignating, and reattributing contributions. Response
10 at 1.

11 Based on a review of the complaint, the response and the Committee's disclosure
12 reports, we recommend that the Commission find reason to believe that John McCain
13 2008, Inc. and Joseph Schmuckler, in his official capacity as treasurer, violated 2 U.S.C.
14 § 441a(f) by accepting excessive contributions and authorize an audit of the Committee's
15 contributions pursuant to 2 U.S.C. § 437g.

16 We also recommend that the Commission find no reason to believe that John
17 McCain 2008, Inc. and Joseph Schmuckler, in his official capacity as treasurer, violated
18 2 U.S.C. § 434(b) by failing to disclose the receipt of a \$56,047 contribution from Brian
19 Medeska on any of its FRC reports, and find no reason to believe that John McCain 2008,
20 Inc. and Joseph Schmuckler, in his official capacity as treasurer, violated 2 U.S.C.
21 § 432(c) by failing to properly account for the receipt of anonymous contributions and
22 maintain identifying information for other contributors.

13044341532

1 **II. FACTUAL AND LEGAL ANALYSIS**

2 **A. ALLEGED RECEIPT OF EXCESSIVE CONTRIBUTIONS**

3 **1. Factual Summary**

4 The Committee was the principal campaign committee for presidential candidate
5 John McCain during the 2008 primary election cycle. The Committee raised over
6 \$246,117,990.70 in contributions for the primary election, which it disclosed in reports
7 filed with the Commission. In addition to filing disclosure reports with the Commission,
8 the Committee voluntarily disclosed contributions to the public through a searchable
9 database on its campaign website, www.JohnMcCain.com, called the Primary Election
10 Donor Lookup Archive ("Donor Archive"). Response at 1. The Donor Archive listed
11 contributions received exclusively during the primary election period because John
12 McCain's general election committee, McCain-Palin 2008, Inc., participated in the
13 presidential public funding program and did not raise private contributions after August
14 31, 2008. See 2 U.S.C. § 9031.

15 Based on a review of the Donor Archive, performed between October 18, 2008
16 and October 20, 2008, the complainant alleges that the Committee violated the Act by
17 accepting excessive contributions totaling nearly \$7 million. 2 U.S.C. § 441a(f).
18 Complaint at 3; Exhibit 1. Specifically, the complainant alleges that the Committee
19 accepted 6,653 contributions that were at least \$1,000 in excess of the \$2,300 limit for the
20 primary election, and may have accepted additional excessive contributions that it failed
21 to disclose. *Id.* at 2; Exhibit 1. According to the complainant, nineteen of these
22 individuals contributed more than \$10,000 each to the Committee. *Id.* One of these
23 individuals, Brian Medeska, allegedly made a \$56,047 contribution to the Committee,

13044341533

1 which the campaign failed to report on any of its disclosure reports in violation of the
2 Act. *Id.*, 2 U.S.C. § 434(b).¹ Although the complainant primarily used the voluntary
3 Donor Archive as the basis for its allegations relating the Committee's acceptance of
4 excessive contributions, the complainant also appears to have reviewed one of the ten
5 RFAs received by the campaign as of October 2008 relating to the acceptance of
6 excessive contributions, and cites to it to demonstrate the Committee's "extensive recent
7 history of flouting" FECA. Complaint at 1 and 2. This RFAI, dated September 30, 2008,
8 included a nine-page list of apparent excessive contributions disclosed in the
9 Committee's M8 Report. *Id.* at 2.

10 The Committee denies that it accepted any excessive contributions in violation of
11 the Act. Response at 1. The Committee states that the Donor Archive experienced a data
12 entry problem in October 2008 resulting in the complainant downloading inaccurate
13 contribution information. *Id.* at 2; Exhibit 3. The response also states that, because the
14 Donor Archive was updated once a month, it only provided a static view of "the
15 Campaign's contribution processing at a particular point in time." *Id.* at 2. According to
16 the Committee, this resulted in the Donor Archive listing some contributors as having
17 given over the \$2,300 limit even though "in reality" these contributors received refunds
18 or authorized redesignations or reattributions within the 60-day deadline. *Id.* Further, the
19 Committee contends that the complainant's reliance on the Donor Archive, which is a
20 voluntary and unofficial database of information, is insufficient to establish that the
21 campaign actually accepted excessive contributions in violation of the Act. *Id.* at 1 and 2.

¹ The complaint appears to have erroneously cited 2 U.S.C. § 434(a) in connection with Committee's failure to report the \$56,047.00 contribution. Section 434(a) governs the filing of disclosure reports by committee treasurers. Given that the complainant's allegation relates to the failure to disclose an individual contribution in excess of \$200, we analyzed this issue under 2 U.S.C. § 434(b), which governs the contents of disclosure reports, including the itemization of contributions in excess of \$200. 2 U.S.C. § 434(b)(3)(A).

13044341534

1 To determine whether the Committee's explanations adequately address the
2 alleged receipt of millions of dollars in excessive contributions as alleged by the
3 complainant, the Reports Analysis Division ("RAD") assisted our review of the
4 Committee's disclosure reports for the 2008 primary election cycle. During this review,
5 RAD determined that the Committee received a total of \$5,716,260.80 in apparent
6 excessive contributions during the primary election cycle, which were not refunded,
7 redesignated or reattributed within 75 days. See Chart below.

13044341535

REPORT	OUTSTANDING EXCESSIVES		TOTAL CONTRIBUTIONS
2006 YE	\$8,000.00	of	\$1,710,387.41
2007 Q1	\$59,225.00	of	\$13,025,695.50
2007 Q2	\$52,250.80	of	\$36,212,773.86
2007 Q3	\$14,875.00	of	\$5,698,139.82
2007 YE	\$13,550.80	of	\$6,836,072.13
2008 M2	\$11,119.00	of	\$11,730,045.17
2008 M3	\$22,310.00	of	\$11,014,611.37
2008 M4	\$121,419.00	of	\$15,192,499.28
2008 M5	\$238,705.00	of	\$17,967,511.38
2008 M6	\$492,657.68	of	\$20,888,390.64
2008 M7	\$549,413.00	of	\$21,507,299.08
2008 M8	\$429,898.00	of	\$26,256,338.97
2008 M9	\$428,961.97	of	\$47,565,861.84
2008 M10 ³	\$2,794,263.15	of	\$8,206,102.52
2008 12G ⁴	\$145,710.00	of	\$792,825.96
2008 30G	\$333,898.00	of	\$1,513,435.67
TOTAL	\$5,716,260.80	of	\$246,117,990.70
		2.32%	

³ RAD identified \$2,794,263.15 in potential excessive contributions based on the Committee's M10 disclosure report, which included \$7,300.00 in excessive contributions from one individual and one political action committee that were not timely refunded, redesignated, or reattributed, plus \$2,786,963.15 in contributions designated for the 2008 primary election that were reportedly received after the date of the candidate's nomination. A subsequent review of the 6 joint fundraising committees' disclosure reports indicate that approximately \$2,238,783.99 of these "primary-after-primary" funds appear to have been received by the various joint fundraisers before the candidate accepted his party's nomination, and the Committee reported the dates the funds were transferred from the joint fundraising committees, rather than the dates the funds were received by the joint fundraiser as the contribution date. Therefore, the \$2,238,783.99 in contributions might not be excessive, but simply disclosed incorrectly by the Committee. An investigation will clarify whether the Committee properly disclosed the receipts in its M10 report. If these "primary-after-primary" contributions are removed from the calculation of excessive contributions, the excessive contribution error rate decreases from 2.32% to 1.91% and the total dollar amount decreases from \$5.7 million to \$3.5 million.

⁴ The excessive contributions listed for both the 2008 12G and 2008 30G reporting periods are largely "primary-after-primary" contributions. There are no joint fundraising transfers disclosed on these reports.

13044341536

1 Thus, it appears from the Committee's disclosure reports that it accepted
2 excessive contributions.

3 2. Legal Analysis

4 The Act provides that no person shall make contributions to a candidate for
5 federal office or his authorized political committee, which in the aggregate exceed \$2,300
6 for the primary and general elections, respectively. 2 U.S.C. § 441a(a)(1)(A). The
7 Committee's aggregate total of permissible contributions is \$4,600, which includes the
8 permissible amount of \$2,300 for the primary election and an additional \$2,300 deposited
9 into the McCain-Palin Compliance Fund, Inc. ("GELAC"). Contributions in excess of
10 the \$2,300 limit for the presidential primary election may only be deposited into the
11 GELAC if they are made for the primary, exceeded the contributor's contribution limits
12 for the primary and are lawfully redesignated for the GELAC pursuant to 11 C.F.R.
13 § 110.1. See 11 C.F.R. § 9003.3(a)(1). In addition, candidates and political committees
14 are prohibited from knowingly accepting contributions in violation of the contribution
15 limits set forth in the Act. 2 U.S.C. § 441a(f).

16 Based upon the information available at this time, the Committee appears to have
17 accepted excessive contributions that range from \$3.5 million to \$5.7 million.

18 Accordingly, we recommend that the Commission find reason to believe that John

13044341537

1 McCain 2008, Inc. and Joseph Schmuckler, in his official capacity as treasurer, accepted
2 excessive contributions in violation of 2 U.S.C. § 441a(f).

3 We further recommend that the Commission authorize an audit pursuant to
4 2 U.S.C. § 437g.

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20 **B. ALLEGED FAILURE TO DISCLOSE A \$56,047 CONTRIBUTION**

21 **1. Factual Summary**

22 The complainant alleges that the Committee accepted an excessive contribution
23 totaling \$56,047 from Brian Medeska of Farmington, Connecticut, which it failed to

13044341538

1 disclose in any of the reports it filed with the Commission.⁶ Complaint at 2; Exhibit 1.
2 The complainant states that it discovered Mr. Medeska's contribution during its analysis
3 of contributor information posted on the Donor Archive. *Id.*

4 The Committee denies that Mr. Medeska made an excessive contribution to the
5 campaign and attributes the identification of a \$56,047 contribution from Mr. Medeska in
6 the Donor Archive to the database errors described *supra* at 4. According to the
7 Committee, Brian Medeska of Farmington, Connecticut actually contributed a total of
8 \$75 to the campaign; \$25 on August 9, 2007 and \$50 on January 31, 2008. In support,
9 the Committee provides what it terms a "Contribution Report" generated from the Donor
10 Archive listing Mr. Medeska's two contributions. This report includes Mr. Medeska's
11 city, state, zip code, address, as well as the amount of and donation date for each
12 contribution. Response at Exhibit 2.

13 **2. Legal Analysis**

14 Treasurers of a political committee are required to file reports of receipts and
15 disbursements in accordance with the provisions of 2 U.S.C. § 434(a).⁷ Authorized
16 committees of a candidate for federal office are required to disclose the total amount of
17 receipts received during the reporting period, including contributions from individuals.
18 2 U.S.C. § 434(b); 11 C.F.R. § 104.3(a). Such committees are also required to maintain

⁶ The Committee did not report any contributions from Brian Medeska of Farmington, Connecticut, in its FEC disclosure reports.

⁷ In any calendar year during which a general election is held, the principal campaign committee of a presidential candidate is required to file monthly reports if the campaign has on January 1 of such year, received contributions aggregating \$100,000 or made expenditures aggregating \$100,000 or anticipates receiving contributions aggregating \$100,000 or making expenditures aggregating \$100,000 during such year. 2 U.S.C. § 434(a)(3)(A). In any other calendar year, the treasurer shall file monthly reports, which shall be filed no later than the 20th day after the last day of each month and shall be complete as of the last day of the month; or quarterly reports, which shall be filed no later than the 15th day after the last day of each calendar quarter and which shall be complete as of the last day of each calendar year. 2 U.S.C. § 434(a)(3)(B).

13044341539

1 contributions aggregating in excess of \$200 per election cycle and disclose the
2 identification of the contributor. 2 U.S.C. § 434(b)(3)(A); 11 C.F.R. § 104.3(a)(4). This
3 identification includes the contributor's name, address, occupation, the name of his or her
4 employer, if any, and the date of receipt and amount of the contribution.
5 2 U.S.C. §§ 431(13), 434(b)(3)(A); 11 C.F.R. § 100.12, 104.3(a)(4).

6 The available information in this matter does not support a finding that the
7 Committee accepted a \$56,047 contribution from Brian Medeska of Farmington,
8 Connecticut that it failed to disclose to the Commission in violation of 2 U.S.C. § 434(b).
9 The Committee presented information, including an affidavit signed by its E-Campaign
10 Director, explaining how the database errors resulted in the complainant accessing
11 inaccurate contribution information for Mr. Medeska. Response at 1; Exhibit 3. The
12 "Contribution Report" produced by the Committee also provides specific information
13 regarding two contributions, totaling \$75, made by Brian Medeska of Farmington,
14 Connecticut. *Id.* at Exhibit 2. We have no information to the contrary. Given that the
15 aggregate amount of those contributions did not meet the \$200 threshold, the Committee
16 was not required to itemize Mr. Medeska's contributions on any of its disclosure reports.
17 2 U.S.C. § 434(b)(3)(A); 11 C.F.R. § 100.12, 104.3(a)(4).

18 Accordingly, this Office recommends that the Commission find no reason to
19 believe that John McCain 2008, Inc. and Joseph Schmuckler, in his official capacity as
20 treasurer, failed to disclose a \$56,047.00 contribution from Brian Medeska in violation of
21 2 U.S.C. § 434(b).

13044341540

**C. ALLEGED VIOLATIONS OF THE RECORDKEEPING
REQUIREMENTS**

1. Factual Summary

The complainant alleges that the Committee violated the Act by failing to properly account for the receipt of anonymous contributions and maintain identifying information for other contributors.⁸ Based on information accessed from the Donor Archive on October 23, 2008, the complaint alleges that the Committee violated the Act by accepting 23 anonymous contributions exceeding \$10 and failing to maintain the names and addresses of those contributors. Complaint at 3. According to the complainant, these anonymous contributions, which were apparently received between August 11, 2008 and August 31, 2008, totaled \$3,042. *Id.*; Exhibit 2.

The complaint also alleges that the Committee failed to properly maintain the addresses or other identifying information for numerous other contributors. Complaint at 3; Exhibits 3 and 4. By treating donations with identical names, states and zip codes as having been given by the same person, the complainant concluded that the Committee accepted 94 contributions totaling \$23,614 from individuals for whom no street address was provided. *Id.* at 3; Exhibit 3. According to the complaint, 46 of these contributions were over \$50.⁹ *Id.* at 3. The complainant further asserts that it is impossible to identify another 94 contributions, totaling \$10,000, appearing on the Donor Archive during this

⁸ Although the complainant concludes that the Committee's failure to maintain this contributor information violated 2 U.S.C. § 432(b), these allegations are more appropriately analyzed as a potential violation of 2 U.S.C. § 432(c).

⁹ A review of the list provided by the complainant indicates that these 94 contributions were made by 38 individual donors, 27 of whom appear to have contributed over \$50. Complaint at Exhibit 3. Approximately 15 of these individual donors with incomplete address information appear to have contributed over \$200. *Id.* Because the complaint does not specifically allege reporting violations in connection with these contributions, and because the amount at issue appears to be relatively small, we do not analyze that issue here. 2 U.S.C. § 434(b).

13044341541

1 same time period because the contributor for each is listed with a last name and (partial)
2 address, but no first name. *Id.* at 3; Exhibit 4. The complainant reached this conclusion
3 by treating donations with identical last names, states and zip codes as having been given
4 by the same person. *Id.* at Exhibit 4. The complaint states that 20 of these contributions
5 were over the \$50 limit.¹⁰ *Id.* at 3.

6 The Committee contends that it appropriately disbursed anonymous contributions
7 over \$50 to charity in accordance with 11 C.F.R. § 110.4(c)(3), which requires that such
8 contributions be promptly disbursed for any lawful purpose unrelated to any federal
9 election, campaign or candidate. 11 C.F.R. § 110.4(c)(3). As evidence of its proper
10 disposal of these funds, Committee provided a list of 11 checks issued to Operation Smile
11 and the American Heart Association between June 30, 2007 and November 28, 2008.
12 Response at Exhibit 4. The list, which did not include the amount of each check,
13 provided the name and address of the charity as well as the check number and date of
14 issuance. *Id.*

15 The Committee explains that it exercised its "best efforts" to find missing
16 contributor information in accordance with the requirements of 11 C.F.R. § 104.7(b).
17 Response at 1. According to the Committee, its "best efforts" processes included
18 requesting contributors' personal information in campaign solicitations and making
19 continual efforts to find missing contributor information. *Id.* at 2 and 3; Exhibits 5, 6 and
20 7. In support, the Committee provided a copy of its on-line solicitation to the
21 McCain-Palin GELAC, which requested all identifying information required by the Act
22 and clearly informed contributors that Federal law required the campaign to collect and

¹⁰ A review of the list provided by the complainant indicates that the contributions at issue were made by 49 individuals, 33 of whom appear to have contributed over \$50. Complaint at Exhibit 4.

13044341542

1 report the name, mailing address, occupation, and name of employer of individuals
2 whose contributions exceed \$200 in an election cycle. *Id.* at Exhibit 5. The Committee
3 also furnished a sample follow-up letter, which it states was sent to any individual donor
4 who failed to provide complete identifying information at the time of the contribution.
5 *Id.* at Exhibit 6. In addition, the Committee states that the campaign searched for missing
6 contributor information in phone directories, web sites and other online databases.
7 According to the Committee, these "best efforts" processes resulted in the campaign
8 identifying 44 out of the 49 contributors identified by the complainant as missing a first
9 name. *Id.* at 3; Exhibit 7.

10 2. Legal Analysis

11 The treasurer of a political committee is required to keep a record of "the name
12 and address of any person who makes any contribution in excess of \$50, together with the
13 date and amount of such contribution" ¹¹ 2 U.S.C. § 432(c)(2), 11 C.F.R.
14 § 102.9(a)(1). For contributions aggregating in excess of \$200 during a calendar year,
15 treasurers are required to obtain and preserve the identification of the person in
16 accordance with 11 C.F.R. § 100.12, as well as the date of receipt and amount of such
17 contribution. 2 U.S.C. § 432(c)(3); 11 C.F.R. § 102.9(a)(2). In performing
18 recordkeeping duties, the treasurer or his agent shall use his "best efforts" to obtain,
19 maintain and submit the required information. 11 C.F.R. § 102.9(d). If there is a

¹¹ The Commission's regulations require that records shall be kept by any reasonable accounting procedure of all contributions received by or on behalf of a political committee. 11 C.F.R. § 102.9(a). The Commission has recommended that reasonable accounting procedures for contributions of \$50 or less may include keeping the same information required for identifying contributions that exceed \$50, which includes the amount, date of receipt, and donor's name and address or in the case of small contributions collected at a fundraiser, such as gate receipts and cash contributions, records of the name of the event, the date and the total amount of contributions collected. See Advisory Opinions 1981-48 (Muskegon County Republican Party) and 1989-99 (Republican Roundup Committee).

13044341543

1 showing that best efforts have been made, any records of a committee shall be deemed to
2 in be compliance with the Act. *Id.*; 2 U.S.C. § 432(i).

3 A political committee receiving an anonymous cash contribution in excess of \$50
4 is required to "promptly dispose of the amount over \$50." The amount over \$50 may
5 then be used for any lawful purpose unrelated to Federal elections, campaigns or
6 candidates. 11 C.F.R. § 110.4(c)(3). The Commission has advised political committees
7 that if the identity of a contributor cannot be determined or is in question, appropriate
8 disbursement of the funds would include giving the funds to a governmental entity
9 (federal, state or local) or a qualified charitable organization as described in 2 U.S.C.
10 § 170(c). See Advisory Opinion 1991-39 (D'Amato)(contributions from unidentified
11 contributors should be disbursed by the committee for any lawful purpose unrelated to a
12 federal election, campaign or candidate).

13 Based on the available information, it does not appear that the Committee violated
14 its recordkeeping obligations by failing to properly account for the receipt of anonymous
15 contributions and maintain identifying information for other contributors. 2 U.S.C.
16 § 432(c). First, there is no information to suggest that the Committee utilized the Donor
17 Archive for the purpose of complying with its recordkeeping obligations under the Act or
18 Commission regulations. Second, it appears that the Committee disposed of the 23
19 anonymous contributions at issue in accordance with the Commission's regulations.
20 The Committee's disclosure reports indicate that it made a total of nineteen
21 disbursements totaling \$24,622.58 to the American Heart Association and Operation
22 Smile between June 30, 2007 and December 30, 2008, including a \$3,542.50
23 disbursement to the latter charity on October 16, 2008. 11 C.F.R. § 110.4(c)(3).

13044341544

1 Further, the Committee presents information and documents indicating that its
2 response to missing contributor information was consistent with the "best efforts" safe
3 harbor, such as requesting complete contributor identification information in its
4 solicitation materials with an accurate statement of the appropriate Federal law,
5 requesting information through follow-up correspondence, and by searching publicly
6 available information for missing names or addresses. 11 C.F.R. § 104.7(b); 2 U.S.C.
7 § 432(i). And, although the Committee did not discuss specific efforts it may have
8 employed to locate complete addresses for the contributors identified by the complainant,
9 the campaign did provide a list demonstrating its success in finding the first names for a
10 majority of the contributors identified by the complainant as lacking that particular
11 information. *Id.* at Exhibit 7.

12 Accordingly, this Office recommends that the Commission find no reason to
13 believe that John McCain 2008, Inc. and Joseph Schmuckler, in his official capacity as
14 treasurer, violated 2 U.S.C. § 432(c) by failing to properly account for the receipt of
15 anonymous contributions and maintain identifying information for other contributors.

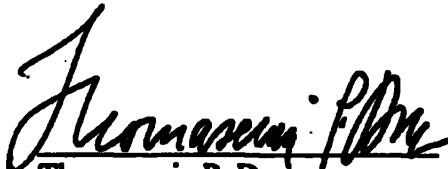
16 **III. RECOMMENDATIONS**

- 17
- 18 1. Find reason to believe that John McCain 2008, Inc. and Joseph Schmuckler, in
19 his official capacity as treasurer, accepted excessive contributions in violation
20 of 2 U.S.C. § 441a(f).
 - 21 2. Authorize an audit of John McCain 2008, Inc. and Joseph Schmuckler, in his
22 official capacity as treasurer, pursuant to 2 U.S.C. § 437g.

13044341545


3. Find no reason to believe that John McCain 2008, Inc. and Joseph Schmuckler, in his official capacity as treasurer, failed to disclose a \$56,047 contribution from Brian Medeska in violation of 2 U.S.C. § 434(b).
4. Find no reason to believe that John McCain 2008, Inc. and Joseph Schmuckler, in his official capacity as treasurer, violated 2 U.S.C. § 432(c) violated 2 U.S.C. § 432(c) by failing to properly account for the receipt of anonymous contributions and maintain identifying information for other contributors.
5. Approve the attached Factual and Legal Analysis; and
6. Approve the appropriate letters.

6/24/2010
Date


Thomasenia P. Duncan
General Counsel


Ann Marie Terzaken
Associate General Counsel for
Enforcement


Peter G. Blumberg
Assistant General Counsel


Marianne Abely
Attorney

13044341546